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09/541,180

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James G. Burns

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06/03/2003

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EXAMINER

SAGER, MARK ALAN

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

2c

# Office Action Summary

Application No.  
09/541,180

Applicant(s)  
Burns et al

Examiner  
Sager

Art Unit  
3714



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 13, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 77-81, 84, and 85 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 77-81, 84, and 85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

***Information Disclosure Statement***

1. Regarding information disclosure statement (IDS) received June 19, 2002, although the newly cited references were stated as having been provided; upon review of the file [and grandparent file 08007742], the newly cited references, and any associated translation or indication of relevance thereof, were not in the file. The current examiner is not indicating that the newly cited references were neither provided nor considered by prior examiner, but rather is only indicating that the newly cited references were not associated with the '180 file. Further, the examiner has been unable to locate copies of the newly cited foreign documents with an associated English translation or statement of relevance thereof and other documents cited thereon and thus, all newly cited foreign documents and all newly cited other documents cited thereon have not been considered in present application by present examiner. The Office does not have the resources to obtain such documents and due to present Office policy to destroy existing paper files in search rooms, the cited references at present do not appear to be within the Office or at best are currently not associated with '180 file for review/consideration herein. Thus, the examiner is requesting assistance in obtaining copies of the cited documents for consideration in instant application at least due to scope of claims differing (i.e. host computer) from parent application.

***Specification***

2. The substitute specification has been entered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 77 and 85 is rejected under 35 U.S.C. 102(b) as being anticipated by Hedges et al (4339798). Regarding claim 77, where the particularly claimed means for printing is a magnetic code reader/generator rather than optical bar code reader/printer, Hedges discloses a gaming system that pays credits responsive to an outcome of a game played (fig. 1-18) teaching a plurality of gaming apparatuses (8:55-57, figs. 1-18, esp. 1-6, 11, 13), an electronic memory storing an amount of credit available for play being player's magnetic card or the central system magnetic disk (12:35-43), means *associated with* a first of said plurality of gaming apparatuses for printing a permanent storage record with a unique code representing an identification at least due to credit station being associated with gaming apparatuses (12:40-43, figs. 1, 11), reader *associated with* a second of said plurality of gaming apparatuses (fig. 8, ref. 87), said reader being capable of reading said permanent storage record that was printed by said printing means *associated with* said first of said plurality of said gaming apparatuses whereby said permanent storage record printed by said printing means *associated with* said first of said plurality of said gaming apparatuses can be read by said reader *associated with* said second of said plurality of said gaming apparatuses and credit can be authorized for play of said second of said plurality of said gaming apparatuses (12:46-68). Hedges apparatuses are cashless operated (figs. 1-2, 7-9).

5. Claim 77 is rejected under 35 U.S.C. 102(b) as being anticipated by Pellegrini (4575622). Similarly, where the particularly claimed means for printing is a magnetic code reader/generator rather than optical bar code reader/printer, Pellegrini teaches claimed features.

*Claim Rejections - 35 USC § 103*

6. Claims 77-81, 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedges et al or Pellegrini or, alternatively, over Hedges et al or Pellegrini each in view of Sapitowicz (4626672). Alternatively, where the particularly claimed means for printing is an optical bar code reader/printer and the form of code is an optical bar code and the permanent storage is paper, Hedges or Pellegrini discloses a system equivalent to claimed system for recording credits on permanent storage for use in another gaming machine upon verification and subsequent authorization of record being valid. Additionally, Applicant's admission of prior art gaming machine accepting coupon or paper currency and coins is noted (2:14-15). Thus, a gaming machine which tenders coins and/or paper currency either in conjunction with an optical reader for accepting coupons (presumably, inherently with at least either credit value or alternatively an authorization code for activating game device) is taken as admitted prior art. The difference between the claimed invention and that which is clearly taught by Hedges or Pellegrini lie in the manner of recording (i.e. printing), manner of representing code (i.e. optical bar code) and device used for storage as permanent record (i.e. paper). As these features/steps are variations of providing printing, code and permanent record as are known, such would have been obvious to one of ordinary skill in the art in implementation of Hedges or Pellegrini. Absent criticality, specific manner of printing being bar code printer/reader, presenting code being optically as a bar

code and permanent storage being paper fall within the realm of choice by game designers, when implementing a particular recorder (i.e. printer/reader), code being optical code and permanent storage onto Hedges or Pellegrini system. The lack of criticality of the specific recitations in the claims is evidenced by applicant's disclosure which further teaches these variations to be equivalent choices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add bar code reader/printer, bar code and paper as an equivalent printer/reader, code and permanent storage to Hedges or Pellegrini system in order to reduce system cost and system wear since optical reader/printer do not utilize mechanical parts required by magnetic card reader/writer. Finally, alternatively, Applicants' admission regarding gaming machines accepting coupons or paper currency and coins is reiterated. Sapitowicz is provided as evidence of an optical reader/writer used in a self service wagering system. In such system utilizing coupons, the paper is either stacked or a roll. Therefore, it would have been obvious to an artisan at a time prior to the invention to add a bar code printer, bar code reader, bar code, paper and roll as known or admitted prior art or Sapitowicz to either Hedges or Pellegrini system to reduce system cost and system wear since optical reader/printer do not utilize mechanical parts required by magnetic card reader/writer.

Regarding paper currency, Applicants' admission is reiterated. Pellegrini includes slot machine, in broad historical interpretation of such device, as noted by coin input.

7. Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chadwick (GB 1558521) in view of either Hedges et al (4339798) or Pellegrini (4575622). Chadwick discloses a system comprising claimed features, as broadly claimed, except means for providing a first signal

to a host computer operatively coupled to a plurality of gaming apparatuses... to facilitate validation of said permanent storage record'. It was notoriously well known in gaming and computing to utilize a host computer operatively coupled to a plurality of apparatuses for central control of operations. Hedges or Pellegrini each disclose systems teaching 'means for providing a host computer operatively coupled to a plurality of gaming apparatuses... to facilitate validation of said permanent storage record' for central control so as to increase security and to reduce fraud. Therefore, it would have been obvious to an artisan at a time prior to the invention to add a host computer operatively coupled... permanent storage record' as taught by either Hedges or Pellegrini to Chadwick's system to provide increased security so as to reduce fraud.

8. Claims 78-81 rejected under 35 U.S.C. 103(a) as being unpatentable over Chadwick in view of either Hedges or Pellegrini as applied to claim 77 above, and further in view of Patrick (GB 1391060) and Sapitowicz et al (4626672). Chadwick in view of either Hedges or Pellegrini discloses a system suggesting/comprising claimed invention (supra) except bar code printer, bar code, bar code reader, paper, and roll. Applicants' admission regarding gaming machine accepting coupon, paper currency and coins is reiterated (supra). Also, it is reiterated that paper ticket/coupon are stored either in stack or roll. Patrick and Sapitowicz each disclose use of optical sensing technology in manner admitted by Applicant. Specifically, Patrick teaches use of optical reader and printer printing on slips of paper or printer printing with magnetic ink for sensing by sensor; while, Sapitowicz teaches a bar code printer, bar code, bar code reader and paper. Therefore, it would have been obvious to an artisan at a time prior to the invention to add bar code reader, bar code, bar code printer, paper and roll as known or as admitted prior art or as

suggested by Patrick and Sapitowicz to Chadwick system in view of either Hedges or Pellegrini to reduce system cost and system wear since optical reader/printer do not utilize mechanical parts required by magnetic card reader/writer.

9. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chadwick in view of either Hedges or Pellegrini, and further in view of Patrick and Sapitowicz as applied to claim 77 above, and further in view of Gabrius (5113900). Chadwick in view of either Hedges or Pellegrini, and further in view of Patrick and Sapitowicz discloses a system suggesting/comprising claimed features (supra) except paper currency. Applicants' admission regarding gaming machine accepting paper currency is reiterated. Gabrius discloses a system with gaming machine accepting paper currency (40). Therefore, it would have been obvious to an artisan at a time prior to the invention to add paper currency as admitted prior art or as taught by Gabrius to Chadwick in view of either Hedges or Pellegrini, and further in view of Patrick and Sapitowicz to permit alternative equivalent form of entering currency.

#### *Response to Arguments*

10. Applicant's arguments with respect to claims 77-81 and 84-85 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on T-F from 0700 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. S. Tom Hughes, can be reached on (703) 308-1806. The fax phone number for this Group is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



M. Sager  
Primary Examiner  
May 30, 2003